

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Cedric Gates,</b>	)	<b>CASE NO. 1:03 CV 953</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>vs.</b>	)	
	)	
<b>Pat Hurley, Warden,</b>	)	<b><u>Judgment Entry</u></b>
	)	
<b>Respondent.</b>	)	

This Court, having issued its Memorandum of Opinion and Order ACCEPTING the Report and Recommendation of Magistrate Judge Gallas (Doc. 19), hereby denies the Petition for Writ of Habeas Corpus. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App.P. 22(b).

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge

Dated: 9/12/05